

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

ROSALIE DEVONSHIRE
6946 Cedar Creek Lane
Toledo, Ohio 43617

Plaintiff

v.

THE JOHNSTON GROUP
FIRST ADVISORS
121 S. Eighth Street, Suite 1111
Minneapolis, Minnesota 55402

and

BRADLEY M. JOHNSTON
c/o The Johnston Group First Advisors
121 S. Eighth Street, Suite 1111
Minneapolis, Minnesota 55402

Defendants

CASE NO.

3:02CV7223

JUDGE

JUDGE JAMES G. CARR

PETITION FOR REMOVAL

To the Honorable Judges of the United States District for the Northern District of Ohio,
Western Division:

1. Defendants The Johnston Group First Advisors ("Johnston Group") and Bradley M. Johnston ("Johnston") are defendants in a civil action brought against them in the Court of Common Pleas for Lucas County, Ohio, styled *Rosalie Devonshire v. The Johnston Group First*

Advisors, et al., Case No. CI200202346 on the docket of said Court. Copies of all process and pleadings in that action are attached hereto, pursuant to 28 U.S.C. §1446(a).

2. Said action was commenced by filing of the Complaint on March 29, 2002.
3. Plaintiff is an individual who resides in the State of Ohio.
4. Johnston is an individual who resides in the State of Minnesota.
5. Johnston Group is a dba of Johnston who resides in the State of Minnesota..
6. The within lawsuit is a controversy between citizens of different states as to give rise to complete diversity of citizenship within the meaning of 28 U.S.C. §1332.
7. The matter in controversy exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interests and costs.
8. This is a civil action brought in a state court in which the United States District Court has original jurisdiction because of diversity of citizenship, and Defendants are not citizens of the State of Ohio, in which this action was brought.

WHEREFORE, Defendants hereby remove this action from the Court of Common Pleas of Lucas County, Ohio to this Honorable Court pursuant to 28 U.S.C. §1441.

Respectfully submitted,



ANDREW J. DORMAN (#0063410)
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Attorneys for Defendants

PROOF OF SERVICE

The foregoing was served on the following by regular U.S. Mail, postage prepaid, on this
1st day of May, 2002:

Richard M. Kerger, Esq.
Kerger & Kerger
33 S. Michigan Street, Suite 201
Toledo, Ohio 43602

Attorney for Plaintiff



ANDREW J. DORMAN (#0063410)
Attorney for Defendants

LUCAS COUNTY COMMON PLEAS COURT
CORNER ADAMS & ERIE STREETS
TOLEDO, OHIO 43624

SUMMONS
CIVIL ACTION

THE JOHNSTON GROUP FIRST ADVISORS
121 S. EIGHTH STREET SUITE 1111
MINNEAPOLIS, MN 55402

G-4801-CI-200202346

JUDGE: JUDITH ANN LANZINGER

You have the right to seek legal counsel. If you cannot afford a lawyer, you may contact the Toledo Legal Aid Society. If you do not qualify for services by the Toledo Legal Aid Society and do not know an attorney you may contact the Toledo Bar Association's Lawyer Referral Service

You have been named as a defendant in a Complaint filed in this Court by the plaintiff named below. A copy of the Complaint is attached to this Summons.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he has no attorney of record, a copy of an answer to the complaint, within twenty-eight (28) days after you receive this Summons, exclusive of the of the day of service. Your answer must be filed with the Clerk of Court of Common Pleas within three (3) days after the service of a copy of the Answer on the plaintiff's attorney.

If you fail to serve and file your Answer, judgment by default will be rendered against you for the relief demanded in the Complaint.

PLAINTIFF (S)

ROSALIE DEVONSHIRE
6946 CEDAR CREEK LANE
TOLEDO, OH 43617

ATTORNEY FOR PLAINTIFF(S)

RICHARD M. KERGER
33 S. MICHIGAN STREET
SUITE 207
TOLEDO, OH 43602

BERNIE QUILTER
CLERK OF COURTS

Date: April 01, 2002


Deputy Clerk

FILED
LUCAS COUNTY
MAR 29 1 P 2: 25
COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO

Rosalie Devonshire
6946 Cedar Creek Lane
Toledo, OH 43617,

Plaintiff,

v.

The Johnston Group First Advisors
121 S. Eighth Street, Suite 1111
Minneapolis, MN 55402

and

Bradley M. Johnston
The Johnston Group First Advisors
121 S. Eighth Street, Suite 1111
Minneapolis, MN 55402,

Defendants.

Case No. 020200202346

Hon. ASSIGNED TO JUDGE LANZINGER

COMPLAINT WITH JURY DEMAND

Richard M. Kerger (0015864)
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Counsel for Plaintiff

Now come the plaintiff, Rosalie Devonshire and as her Complaint against defendants, state as follows:

1. The plaintiff is a resident of Toledo, Lucas County, Ohio. Before March, she was a customer of the defendants.

2. The Johnston Group First Advisors was an organization based in Minneapolis, Minnesota which provided financial advising services to the plaintiff while she was a resident of Ohio.

3. Bradley M. Johnston is, on information and belief, a resident of Minneapolis, Minnesota who works as a financial advisor for Johnston Group First Advisors. He performed that role for plaintiff while she was a resident of Ohio until his services were ~~terminated~~.

4. Plaintiff is a single woman who had been advised for several years by defendants. They provided financial advice to the plaintiff and her former husband. Following her divorce, plaintiff continued to use the services of the defendants in regard to her financial planning. She met with Johnston to inform him personally of her desire to be invested only in conservative positions. He agreed to do that. Following that, plaintiff and Johnston exchanged phone calls, correspondence and Email communications while plaintiff was a resident of the State of Ohio.

5. Defendant Johnston failed to handle plaintiff's investments in a manner appropriate to her circumstances. Additionally he failed to follow her instructions to place her money in conservative investments. Johnston failed to create a conservative investment plan for the plaintiff or to take any steps to implement such a plan despite her requests and the fact that such a plan would have been appropriate for her.

6. Advisors failed to supervise Johnston adequately and allowed him to mismanage the investments of the plaintiff.

FIRST CLAIM FOR DEFENSE

7. Plaintiff incorporates by reference the statements made in paragraphs 1 through 6 above.

8. Defendants have breached their contract with the plaintiff by failing to make appropriate investments, to follow her instructions with respect to her investments and by failing to provide adequate supervision.

SECOND CLAIM FOR RELIEF

9. Plaintiff incorporates by reference the statements made in paragraphs 1 through 8 above.

10. Defendants were negligent in regard to the handling of plaintiff's activities by failing to handle her investments properly, to follow her instructions with respect to her investments and failing to provide adequate supervision.

WHEREFORE, plaintiff prays judgment against the defendants in an amount exceeding \$1,000,000, as the loss that she has sustained as a result of the improper actions of the defendants, as well as reasonable attorney fees and the costs of this proceeding.

Respectfully submitted,

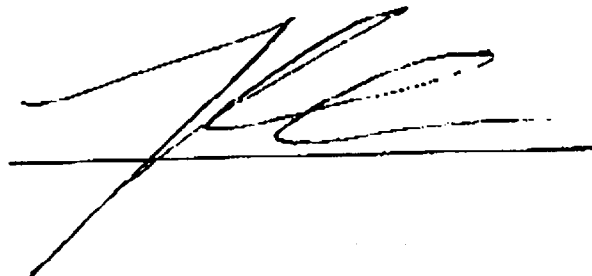

RICHARD M. KERGER (0015864)
Counsel for Plaintiffs

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JURY DEMAND

Now comes the plaintiffs and demand a trial by jury of all issues so properly

ried.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned over a horizontal line.